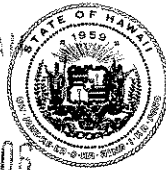


BARBARA WONG
EXECUTIVE DIRECTOR

CITY CLERK
HONOLULU, HAWAII



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February 14, 2006

CITY COUNCIL
HONOLULU, HAWAII

The Honorable Donovan Dela Cruz, Chair
and Council Members
Honolulu City Council
530 South King Street
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Council Members:

Subject: Hawaii Revised Statute §11-205.5 State and County Contractors

This responds to a question raised on February 2, 2006, at the hearing on Council Bill No. 9. A council member asked whether those who contract with the State or county to provide construction services fall within the definition of "personal services." Section 11-205.5 of the Hawaii Revised Statutes prohibits a person who enters into a contract with the State or county for the rendition of personal services, from contributing or soliciting campaign contributions.

The Campaign Spending Commission, in informal guidance issued on its website as Act 203 FAQs, defines "personal services" as the performance of services in the field of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting. Thus, those that execute a construction contract with the State or City are not prohibited from making or soliciting contributions. However, this definition of "personal services" is subject to change when the Hawaii Administrative Rule amendments are adopted in the next few months.

Sincerely,

A handwritten signature in cursive script, reading "Barbara U. Wong".

BARBARA U. WONG
Executive Director

Misc. Com. No. 0560